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Regulating and making more useful

T H E

M I L I T I A

O F T H I S

K I N G D O M.

To which is added a Scheme for the Distributing Musters and Exercise.

The Second Edition Corrected.

L O N D O N,

Printed for *A. Baldwin* near the Oxford Arms
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An ESSAY for Regulating and making more Useful the MILITIA, &c.

I Take it for a thing granted by uninterested Persons, that a well regulated *Militia*, to us Islanders, would be far more useful as well as less chargeable than a Standing Army; that they are capable of performing as great Services, our last intestine Wars, and the late Performances in *Ireland*, as in the Feild by the *Iniskilling-men*, in Garison at *London-derry*, and in Attacks at *Sligo*, are undeniable Arguments. But its confessed to be as true, that their want of Discipline and Experience makes them at present the jest of the Soldiery in *England*: The latter is only to be gained in an actual War; and the Heroes on *Hounslow Heath*, had as little as these. That the former defect is not incurable, and that even upon the bottom the *Militia* now stand, with some small Alterations and Additions, only to enforce the Execution of the Laws already made, is what I design to propose. I cannot but observe, that compounding with the Muster-master for an Annual Salary, as in some places practised, instead of drawing out (tho' it may make shew of easing the Country) is the main occasion of this Usefulness, and does, indeed, draw on a far greater Inconvenience and Charge; viz. the Necessity of maintaining a Standing Force (*but the true Reason would be too true a Jest*) There are two Statutes, the Basis on which the *Militia* are supported, and 'tis an Ignorance in these, or Remissness in putting them in Execution, that cause *them* to be ineffectual; I shall leave the Statutes at large to those who have Soul enough to consult (with their own) and the Publick Security: and abstract only some Paragraphs, which seem to require some alteration or new life to enforce their Execution.

1. The 1st. part of the Act. 13 and 14 Car. II. Cap. 3. Impowers the Lords Lieutenants to grant Commissions to Colonels, Majors, Captains, and all other Commission Officers. So that where occasion requires, one or more Colonels may also be Commissionated Brigadeers, Adjutant-Generals, Majors of Brigades, &c. according

as the number of the *Militia* within the respective County shall require.

2. It's Enacted, That the Lieutenants and Deputies, or Major part of them present, shall charge Persons of 500 *l.* per Annum or 6000 *l.* Personal Estate, with a Horse, &c. and Persons of 50 *l.* per Annum, &c. with a Footman, &c.

I will not enter the Dispute, whether lessening the Number by laying 1000 *l.* per Annum to a Horse, and 100 to a Footman will answer the end, but in case it were thought fit so to do, I presume the most convenient Method would be, to let the number of Regiments, Troops and Companies continue, as many if not more than at present; and reduce the number of Men in the respective Troops or Companies only. All who have been conversant in an Army know, that small Troops or Companies are easier Disciplin'd and Governed than large ones, and that the number of Officers is greatly assistant to the due management of any Forces: 'Tis well known, the *Militia* Companies are many times 200 *duty* Men, whereas in the Standing Army 55 was the full complement of most Companies.

3. It's Enacted, That the Lieutenants and Deputies may imprison Mutineers not doing their duty at Musters and Trainings, and inflict mulcts not exceeding 5 *s.* or imprisonment for twenty days without Bail. I take this to be very insufficient, for suppose from a hired Soldier the 5 *s.* Mulct is not to be raised, there is no other Punishment but Imprisonment: there is no Prison appointed, and therefore the common Goal must be the place: And what an intolerable troublesome and dilatory Proceeding is this as well as chargeable? For every little Offence a Constable must be put to the trouble and charge to convey a Fellow perhaps twenty or thirty Miles to Goal. For to imprison upon the Guard is not practicable, because the Musters and Trainings are by these Laws not to continue so many days; and besides, if they were, it would not be thought so great a Punishment as the Case might many times require. I am not for such arbitrary Punishments to be exercised on Freeholders and others in the *Militia*, as in the Standing Forces; but certainly a shorter Method is necessary. Suppose therefore it were thus worded, that in default of immediate payment of the said sum of 5 *s.* into the hands of the commanding Officer then present, who within
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six days following shall under double the Penalty transmit the same to the Treasurer for the use of the County. It shall be lawful to inflict such immediate Corporal Punishment (loss of Life or Members excepted) as to the majority of the Commission Officers then present shall seem suitable to that Offence. It's no doubt, but in this case, a Person that carries his own Arms would submit to the Mulct, and for others, Punishment would be most necessary: Nay, in case of actual Invasion or Insurrection, it might be convenient that Death or such other Punishment as a Court-Martial should think fit were inflicted, according to the method prescribed in the late Acts for punishing Mutineers and Deserters. And the same method might be taken in case of Desertion.

4. It's Enacted, **That if any Person, charged to Horse or Foot, neglect to provide as before directed; the Lieutenants and Deputies or three or more of them, may on Persons charged to the Horse inflict a penalty not exceeding 20 l. and 5 l. on a Footman.**

This Penalty I presume is designed to be paid into the hands of the Treasurer, but its a great defect here, and in all other cases of Fines in these Acts, that the Treasurer is not under a Penalty likewise, therewith immediately to supply the Deficiency; but I think this in case of providing Horses, Men or Arms, none would be so fit to receive it and provide the same, as some Officer of the respective Regiment, for the Treasurer is not obliged to be present at such Musters and Trainings; and yet perhaps it would be convenient the Defects should be immediately supplied and Penalties levied. And such Officers might be under the like Penalty obliged within a certain time to supply the same deficiency, rendering the overpluss, besides charges of Distress, and an allowance of 12 d. in the Pound, or whatsoever else might be thought fit for his paines therein.

5. It's Enacted, **That if any so Armed, Detain, or imbezzle, Horse, Arms or Furniture, the Lieutenants, &c. may imprison till Satisfaction, or if any shall not appear and serve through default of the Person interested, may inflict a penalty on a Horseman of 20 s. and on a Footman 10 s. or 5 days imprisonment.**

I think in this latter Clause of not appearing and serving, is the same defect, and the same remedy might serve as in Paragraph the third, viz. upon non-payment of the said Penalty, when taken

to undergo such Punishments as by the Commission-Officers should be adjudged necessary.

6. It's Enacted, **That the Lieutenants shall appoint for receiving and paying Money, Treasures and Clerks, who shall every six Months give their Acts on Oath in Writing to the Lieutenants, their Deputies or to three or more of them, which shall be certified to the Lords of the Privy Council and Duplicates to the next Quarter Sessions.** I think this certifying to the Lords of the Council an unnecessary trouble, an Account once a Year to the Justices of Peace would be sufficient. But her lies the Defect, there is no Penalty in the Act for not passing such Account, which makes it seldom done, and when it is done, an opportunity is taken when the fewest Justices are present (and as our Country calls it, in Hugger Mugger) Wherefore if it were Enacted as followeth, *Which Account shall be certified to the Justices of Peace at their next Easter Sessions, and their Read, Perused and Approved of in open Court, between the hours of 9. and 12 in the Morning, on the 2d. day of their said Sessions, (I mention this so particularly, because on that day is commonly the fullest Bench) and if such Treasurer shall neglect to give in such Account, or if the said Justices shall find just Cause to disallow the same; they shall have power and are hereby required to impose a Fine not exceeding . . . on such Treasurer, and to levy the same as other Fines are levied; and if upon passing such Account, any Money shall appear to be in his hands, they shall have power to levy the same by Distress, &c. and Imprisonment till Satisfaction.* If this were Enacted, I presume it would cause a better account of the Trophy-Money, and other Moneys, than is usually given.

7. It is Enacted, **That general Musters shall be but once a Year, and Training of single Companies but four times; General Musters four days, and Training single Companies two days.** In this Article I think is the greatest Error, not so much in the Law as the Execution, and which altogether makes the *Militia* useless; for without Training and Exercising it's impossible ever to make them useful. A Generl Muster perhaps once a Year may be sufficient, but then it should not be excused from being once; and it should be Enacted, that all Officers under a Penalty (except Sick-ness, &c.) be present. And that single Companies be not excused from those four times appointed, or what is equivalent, eight


eight days in a Year. And that the respective Officers under a like penalty should be present. Neither do I think it need be oftner; for if this were managed as it might easily be, it might be so order'd, that in every County there should be certain numbers of the *Militia* in proportion to the Quota of the County in some place or other of the said County in actual Discipline. To instance, in a County I know, are five Regiments of Foot, and as many Troops of Horse. Now this might be so manag'd that each Regiment might roll round, and do their Duty, beginning with the youngest; as in the annexed Scheme, supposed to be given at our *Lady-day*.

From *March* 25. for four days, a General Muster of the Horse for the whole County, and then one single Troop might continue in Exercise for eight days longer, *viz.* four days singly, and four other days at the General Muster of the Foot Regiment of the same Division, and for eight days following, either a Detachment or youngest Company of the same Regiment, and so in order to the eldest, till all had performed their eight days Exercise; when the Regiment of *B.* might succeed within their Division in like manner; as the annexed Schemes will demonstrate, and because after this manner, some would have Winter Service other the Summer, it might be so ordered, that the Regiment that drew out first this Year, might draw out second or last the next; and as to some odd days that might arise upon the distribution, that Regiment, Troop, or Company, which performed a days Exercise more or less this Year, might be allowed the same in their proportion the next. Thus, after this method, computing a Regiment at about 900 Men, there would be in constant Exercise a Party of about 110 Men in that County, and in other Counties more or less, according to the Quota of the same County, and with no greater Burthen than the Law at present directs, *viz.* four days in General and eight in particular Trainings. For the due management of the Affair, there will be necessity for Commissionating some Experienced Officer, in the nature of an Adjutant-General in every County. There are many of the half-pay Officers have intimated, they would be glad of the Employ, and are able to undertake it, and might have 4s *per diem*, either paid as the Muster-Master is now paid, whose Office they might also supply, or else out of the Trophy-Money, which I can prove to be in every County sufficient. This Officer must take care of the equal distribution, as well of the General-Musters, as particular Trainings; and being thus in constant Pay, might also be obliged to constant

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Attendance on the respective Regiment, Troop, or Company in Discipline, view the Army, &c. and other Duties of the Muster Master.

At these General Musters of each Regiment, it might be convenient they had their Tents and Encamp in Form. Of Tents there is no Provision made in these Laws, but if the *Militia* were called into Actual Service, 'twould be absolutely necessary, and to have a Tent provided between every six Men would be but a small charge; they might continue for twenty years, unless Actual Service should require a greater use, and might be kept either in some place set apart for that purpose, or in the Custody of the respective Captains.

8. It is Enacted, That the Arms of a Horse-man shall be Defensive, a Back, Breast, and Pot, Offensive, a Sword and Case of Pistols, the Furniture, a great Saddle, with Burs and Straps, a Bitt and Bridle, Vestoral and Crupper.  Note that Carbine and Boots are here omitted, and if in room of the defensive Arms were substituted a Cloak, and Coat, and to every Six a Tent; it would be more Modern—*The Musqueteers are to have Musquets three foot in Barrel, the gage twelve Balls to a Pound, a Collar of Bandeliers and a Sword*—Instead of Bandeliers a Cartridge-Box would be more convenient, so; if the Musquet were obliged to be a Firelock, and if a Bagonet to screw on the Muzzle were added, 'twould be more Serviceable—*The Pikemen are to have a Pike 16 Foot long, with a Back, Breast, Head-piece and Sword*. If instead of the Armour, you substitute a broad Buff Shoulder-Belt, a Coat, Hat, and Sword, 'twill be more like the present method of the Army, and between every Sixth Tent.

9. Enacted, That Persons charg'd shall not be compell'd to Serve in Person, but may find others, to be approved of by their Captain, who at next Muster shall give in their Names and Surnames to be Listed, who after such Listing shall not Desert the Service without leave, under Hand and Seal of the Lieutenant, two Deputies or his Captain, under pain of 20 l. or Imprisonment for three Months to the County Goal, This three Months Imprisonment is liable to the same exception, as Paragraph the 3d. and therefore in case of Actual Invasion or Insurrection, 'twill be necessary to substitute

substitute a Punishment, by the Judgment of a Court-Martial according to the Rules prescribed : It is likewise a great Omission in these Acts, that there is no penalty inflicted on Serjeants, Trumpeters, and Drummers that Desert or refuse to appear.

10. Stat. 15 Car. 2. cap. 4. Enacted. **That once a Year each Soldier shall pay to his Mustermaster, who shall be an Inhabitant of the County such Summ, not exceeding 12d. for a Horseman and 6d. for a Footman as the Lieutenant and Deputies, or three of them under Hand and Seal shall direct.** This Article is often misapplied, and the Pay turned into an Annual Sallary, and raised on the Country without Mustering; For the Muster-Master hereupon often makes a Return to the Lord Lieutenant, that all things are in Order and Readiness, tho perhaps he hath neither view'd Men, Horse, or Arms, and by this Method alone the whole design is defeated, and nothing in readiness upon Occasion: 'twere therefore convenient it were Enacted, that no Muster-Master shall presume to demand the same under penalty of 5*l.* for every Offence, to any person that will Sue for the same, unless at such General Muster he produce his Warrant; which nevertheless to be void, if he can be proved to be no Inhabitant of the respective County, or not actually residing in the same half a Year at the least: and whereas it is a common, but unwarrantable practice, for Muster-Masters to break Arms that are defective, there being other methods required, and penalties imposed by the Laws; 'twould be more effectual he had a certain Allowance out of the Fines imposed on the owners of such defective Arms, 'twould make him more careful in viewing the same, and the owners more fearful of sending bad: But these should be determined whether sufficient or no, by the Lieutenant Deputies or Majority of Officers present.

11. **Lieutenants and their Deputies, or three of them, may dispose so much of the weeks Assessment as they think convenient to the inferior Officers.** In this Head the Adjutant's Pay might be particularly mentioned, as also some encouragement to the Trumpeters, Serjeants, and Drummers: Good Serjeants, Trumpeters and Drummers are very requisite, but very deficient in the *Militia*, they are generally of the meaner sort, and ill provided with Cloaths and Furniture; therefore, it might be requisite their number and pay were ascertained, and if a Coat and Hat of 40*s.* price, with Swords, were once in two year allowed them out of the Trophy-money, 'twould be an encouragement to engage them to the Service, and a Charge which that will be found sufficient to support. In this Clause is also Provision for the Clerks who make out the Warrants, &c. and therefore the practice of some who demand 6*d.* a Man on pretence of Clerks of the Company ought to be discouraged.

12. For providing Ammunition and other Neecessaries, the Lieutenants and Deputies, and three or more of them have power once a Year to levy the 4th. part of 70000 *l. per Menssem* by like ways and means prescribed in a Stat. 12 *Car. II.* for raising 70000 *l.* for the farther Supply of his Majesty, which refers to another Act of the same Year, and that Act to a Ordinance of the Lords and Commons dated, the 8th of *June* 1660. intituled, An Ordinance of Lords and Commons, &c. for an Assessement 70000 *l. per Menssem* for three Months, for the Supply of the present Occasions of the King's Majesty, which Ordinance being never Printed in the Statute Books, and difficult to be had, gives occasion for great Errors, and some Oppressions in levying this Money, no body having, as it's now managed, the Benefit of Appeals, it being solely left to the discretion of the Constable who easeth or grieveth at his pleasure; and therefore 'twere expedient that that Ordinance were Reprinted, or that the Method for raising it were prescribed, according to the Statutes for the late Land Taxes, and that the Treasures should account for this in the Method I have before mentioned, for 'tis too well known, that in many Counties, though this Money hath been Annually Levied, yet neither Trumpers, Drums, Colours, nor Ammunition, have been duly provided (though I cannot believe as some will have it, that 'tis rather to concealed this Misapplication, than any respect to the Countries ease, that the *Militia* are not drawn forth to Exercise) how far this Money will go to this End, which I mentioned. I will instance in the County aforesaid, where the proportion of the Weeks Assessement is

692 l. 17 s. 8 d

To an Adjutant General for the whole County, for the whole Year, or which will amount to the same; an Adjutant to each respective Regiment for his respective Service in all

76 l. os. od.

For Serjeants and Drummers pay, 16 Sergjeants and 16 Drummers to each Regiment at 2 s. 6d. *per diem*, 12 days each, the whole five Regiments in all

240. 0. 0

To 10 Trumpeters at 5 s. *per diem* 12 days

030 0 0

To 5 Quarter-masters to the Foot Regiments 4s. *per diem*, for 4 days; Service each at the General Musters (for at the private Trainings the respective Lieutenants may do that Office)

004 0 0

5 Quarter-masters of the Horse each 12 days Service at 5 s.

015 0 0

The certain Annual Charge

365 0 0

Remains

327 17 8

Th

The Remainder at two Years end being doubled } 655. 15. 04
will amount to

Out of which for Cloathing for the said Serjeants, } 340. 00. 00.
Drums an Trumptes, at 40 *l.* per Man,
There will remain in Stock at two Years end, 315. 15. 04.

A Summ sufficient to pay Treasurers, Clerks, &c. for their pains;
as also a Bank for Drums, Colours, Trumpets, &c. which need not
be provided above once in 12 or 15 Years; or suppose it should not
hold out at all times, a Provision might be made for doubling the
Assessment once every 7 Year, or as may be thought fit, and then there
would be also a feeling for other Inferior Officers, for by the by under
that denomination are lately understood all who are subordinate
to the Lords Lieutenants.

*A Scheme as before proposed for distributing the Musters and Exercise
in a County where there are five Regiments of Foot, and as many
Troops of Horse, beginning the Year at our Lady-day.*

March 25 26 27 28 A General Muster of all the Horse at —
29 30 31 and *April* 1 A Training of the Troop of A.
April 2 3 4 5 General Muster of the Foot Regiment of A. and
Train of the Troop of A.
6 7 8 9 10 11 12 13 the youngest Comp. of A.
14 15 16 17 18 19 20 21 the 4th Comp. of A.
22 23 24 25 26 27 28 29 the 3d Comp. of A.
30, and *May* 1 2 3 4 5 6 7 the 2d Comp. of A.
May 8 9 10 11 12 13 14 15 the 1st Comp. of A.
16 17 18 19 20 21 22 23 the Majors Comp. of A.
24 25 26 27 28 29 30 31 the Lieutenant Coll. Comp. of A.
June 1 2 3 4 5 6 7 8 the Collonells Comp. of A.
June 9 10 11 12 Training the Troop of Horse of B.
13 14 15 16 General Muster of the Foot Regiment of B.
and Training the Troop of B.
17 18 19 20 21 22 23 24 Training the youngest Comp. of B.
25 26 27 28 29 and *July* 1 2 the 4th Comp. of B.
July 3 4 5 6 7 8 9 10 the 3d Comp. of B.
11 12 13 15 15 16 17 18 the 2d Comp. of B.
19 20 21 22 23 24 25 26 the 1st Comp. of B.
27 28 29 30 31 and *August* 1 2 3 the Majors Comp. of B.
August 4 5 6 7 8 9 10 11 the Lieutenants Coll. Comp. of B.
12 13 14 15 16 17 18 19 the Coll. Comp. of B.

August

- August* 20 21 22 23 A Training of the Troop of Horse of C.
 24 25 26 27 A General Muster of the Regiment of the Foot
 of C. and Training the Troop of C.
 28 29 30 31 and *Sept.* 1 2 3 4 the youngest Comp. of C.
- Sept.* 5 6 7 8 9 10 11 12 the 4th Comp. of C.
 13 14 15 16 17 18 19 20 the 3d Comp. of C.
 21 22 23 24 25 26 27 28 the 2d Comp. of C.
 29 30 and *October* 1 2 3 4 5 6 the 1st Comp. of C.
- October* 7 8 9 10 11 12 13 14 the Majors Comp. of C.
 15 16 17 18 19 20 21 22 the Lieutenant Coll Comp. of C.
 23 24 25 26 27 28 29 30 the the Coll. Comp. of C.
- October* 31 and *Novem.* 1 2 3 A Training of the Troop of Horse of D.
Novemb. 4 5 6 7 A General Muster of the Regiment of Foot of D.
 and Training the Troop of D.
 8 9 10 11 12 13 14 15 Training the youngest Comp. of D.
 16 17 18 19 20 21 22 23 the 4th Comp. of D.
 24 25 26 27 28 29 30 and *December* 1 the 3d Comp. of D.
- Decemb.* 2 3 4 5 6 7 8 9 the 3d Comp. of D.
 10 11 12 13 14 15 16 17 the 2d Comp. of D.
 18 19 20 21 22 23 24 25 the 1st Comp. of D.
 26 27 28 29 30 31 and *Jan.* 1 2 the Majors Comp. of D.
- January* 3 4 5 6 7 8 9 10 the Lieutenants Coll. Comp. of D.
 11 12 13 14 15 16 17 18 the Coll. Comp. of D.
- January* 19 20 21 22 A Training of the Troop of Horse of E.
 23 24 25 26 A General Muster of the Regiment of Foot
 of E. and Training the Troop of E.
 27 28 29 30 31 and *Feb.* 1 2 3 the youngest Comp. of E.
- February* 4 5 6 7 8 9 10 11 the 4th Comp. of E.
 12 13 14 15 16 17 18 19 the 3d Comp. of E.
 20 21 22 23 24 25 26 27 the 2d Comp. of E.
 28 and *March* 1 2 3 4 5 6 7 the 1st Comp. of E.
- March* 8 9 10 11 12 13 14 15 the Majors Comp. of E.
 16 17 18 19 20 21 22 23 the Lieutenant Coll. Com. of E.
 24 25 26 27 28 29 30 31 the Coll Comp. of E.

In this distribution a Week will be gained in the whole Year
 which may easily be divided by Lot, or otherwise as shall be thought
 fit.

